ADDENDUM

Reply Brief for Defendant-Appellant Bernhard Fred Manko, No. 91-1732, U.S. Court of Appeals, Second Circuit, filed June 23, 1992, at 10 n.13:

> The government argues that the "complete transcript of the [*ex parte*] conference" (which was not consented to) shows it was conducted for a proper purpose. First, it is not complete because the material handed to the court was not made part of the record, and is therefore unfortunately not part of the record on appeal. Second, this transcript does not necessarily appear complete on its face (A. 1529-30) (and we suggest any omission is by oversight not design). It is unlikely that a dialogue with a court would begin with the words: "What is it you have handed me, Mr. Cleary?" (A. 1529). See *United States* v. *Salerno*, 937 F.2d 797, 813 (2d Cir. 1991), *rev'd on other grounds*, No. 91-872, 1992 U.S. LEXIS 3690, 1992 WL 134467 (U.S. June 19, 1992). Certainly, there were greetings, arrangements for the court reporter, and some remark before the document was actually handed over. It is simply not characteristic for a lawyer to begin a conference with a judge by handing over a document and not advising why it is handed over or what is in it. . . .

Reply Brief for Defendant-Appellant Jon Edelman, No. 91-1733, U.S. Court of Appeals, Second Circuit, filed June 23, 1992, at 33:

> For all the reasons stated above, in our main brief, and in the reply brief filed by co-defendant Manko, Edelman's judgment of conviction should be vacated or, alternatively reversed and a new trial ordered.